

**Morin Brick Company – Lachance Division
Cumberland County
Gorham, Maine
A-119-70-E-R**

**Departmental
Findings of Fact and Order
Part 70 Air Emission License**

After review of the Part 70 License application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A, Section 344 and Section 590, the Department finds the following facts:

I. Registration

A. Introduction

FACILITY	Morin Brick Company – Lachance Division (MBC)
LICENSE TYPE	Part 70 License Renewal
NAICS CODES	327121
NATURE OF BUSINESS	Brick & Structural Clay Products
FACILITY LOCATION	329 Mosher Road, Gorham
LICENSE ISSUANCE DATE	March 12, 2007
LICENSE EXPIRATION DATE	March 12, 2012

B. Emission Equipment

The following emission units are addressed by this Part 70 License:

EMISSION UNIT ID	UNIT CAPACITY	UNIT TYPE
Brick Kiln, 1K	10.7 MMBtu/hr 5,833 lb/hr (input)	process equipment
Brick Dryer, 1BD	6,771 lb/hr (input)	process equipment

MBC has additional insignificant activities which do not need to be listed in the emission equipment table above. The list of insignificant activities can be found in the Part 70 license application and in Appendix B of Chapter 140 of the Department's Regulations.

C. Application Classification

The application for MBC does not include the licensing of increased emissions or the installation of new or modified equipment, therefore the license is considered to be a Part 70 License Renewal issued under Chapter 140 of the Department's regulations for a Part 70 source.

II. FACILITY AND EMISSION UNIT DESCRIPTION

A. Introduction

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in Chapter 100 of the Department regulations. Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for new sources and modifications requires a demonstration that emissions are receiving Best Available Control Technology (BACT), as defined in Chapter 100 of the Department's regulations. BACT is a top-down approach to selecting air emission controls considering economic, environmental and energy impacts.

B. Process Description

Each year approximately 25,000 cubic yards of clay is delivered and stockpiled at the Morin Brick Company. A track mounted front end loader is used to load the clay into a dump truck which transports the clay to the crushing and grinding room. The clay is then fed into a disintegrating crusher (25 tons per hour capacity) where the clay is sized. The clay is then conveyed to the pug mill where the clay is mixed with lime, sand, and/or water, depending on the consistency of the clay. Additives including manganese, iron oxide, and barium carbonate may be introduced at this point to obtain different color schemes in the fired brick.

After mixing, the clay is extruded and formed into bricks. At MBC stiff mud extrusion is utilized where the mixed clay from the pug mill is discharged to a vacuum chamber to remove air from the material, which is then augured or extruded through dies. Approximately 1,000 gallons per year of specification waste oil or #2 fuel oil is used as a lubricant during the extrusion of the brick column through the dies. After the extrusion process, the column is wire cut into bricks which are then hand set onto kiln cars.

Once loaded, the kiln cars enter the brick dryer where moisture is driven out of the brick body. The dryer is heated by waste heat from the cooling zone of the brick kiln and maintains a temperature of approximately 350°F. The supply of heated air from the cooling zone is controlled by a series of mechanical dampers, which limit the introduction of products of combustion from the kiln firing area into the dryer.

After approximately 36 hours in the brick dryer the kiln cars are loaded into the brick kiln. The firing zone in the kiln typically maintains a temperature of 1900°F. In addition to additives in the brick body, flashing is conducted to add

color to the fired brick. Flashing is completed by introducing excess fuel through two burners producing reducing conditions. Flashing can occur for ten seconds every two minutes.

After leaving the firing zone, the kiln cars enter the cooling zone where the bricks are slowly cooled to prevent breaking. Once cooled the bricks exit the kiln and are packaged for shipment. The entire firing/cooling process typically lasts for 36 hours.

Emissions from the kiln result from both fuel combustion and liberation/conversion of material in the brick body. Emissions from the brick body are typically sulfur dioxide and hydrogen fluoride. Emissions from the brick dryer result from the volatilization of the waste oil used for brick extrusion and from products of combustion from the brick kiln.

C. Brick Kiln

The Brick Kiln was manufactured by Miller in 1961. It was originally designed and built to fire #4 fuel oil. In 2001, the Brick Kiln was converted to natural gas and equipped with 32 natural gas fired burners (eight 215,000 Btu/hr, eight 343,000 Btu/hr, and sixteen 387,000 Btu/hr burners). This gives a total combined heat input capacity of approximately 10.7 MMBtu/hr. At that time, BACT for the Brick Kiln was readdressed.

Also in 2001, MBC installed one auxiliary burner in the duct work prior to the brick dryer to boost the temperature of the air being vented to the dryer from the cooling zone of the kiln. This burner has a maximum heat input capacity of 2.0 MMBtu/hr and is therefore an insignificant activity per MEDEP Chapter 140, Appendix B and noted for completeness purposes only.

The raw material process rate through the kiln is 5,833 lb/hr and finished material rate is 5,729 lb/hr.

Streamlining

1. Opacity
 - a. MEDEP Chapter 101, Section 2(B)(1)(f) contains an applicable opacity standard.
 - b. A previous BACT analysis established an applicable opacity limit which is now considered BPT.

MBC accepts streamlining for the Brick Kiln opacity limit. The BPT limit is the most stringent and is therefore the only opacity limit included in this license.

2. PM
 - a. MEDEP Chapter 105 establishes an applicable PM lb/hr emission standard.
 - b. A previous BACT analysis established an applicable PM lb/hr emission limit which is now considered BPT.

MBC accepts streamlining for the PM lb/hr standard. The BPT limit is the most stringent and is therefore the only PM lb/hr emission limit included in this license.

3. PM₁₀

A previous BACT analysis established the only applicable PM₁₀ lb/hr limit. This limit is now considered BPT. **No streamlining requested.**
4. SO₂

A previous BACT analysis established the only applicable SO₂ lb/hr limit. This limit is now considered BPT. **No streamlining requested.**
5. NO_x

A previous BACT analysis established the only applicable NO_x lb/hr limit. This limit is now considered BPT. **No streamlining requested.**
6. CO

A previous BACT analysis established the only applicable CO lb/hr limit. This limit is now considered BPT. **No streamlining requested.**
7. VOC

A previous BACT analysis established the only applicable VOC lb/hr limit. This limit is now considered BPT. **No streamlining requested.**
8. HF

A previous BACT analysis established the only applicable HF lb/hr limit. This limit is now considered BPT. **No streamlining requested.**

Periodic Monitoring

Periodic monitoring shall consist of record keeping which demonstrates fuel use by the Brick Kiln.

Based on best management practices and the type of fuel for which the Brick Kiln was designed it is unlikely that the Brick Kiln will exceed the emission limits for opacity, PM, PM₁₀, SO₂, NO_x, CO, VOC, and HF. Therefore, periodic monitoring by the source for these pollutants is not required. However, neither

the EPA nor the State is precluded from requesting MBC to perform testing and may take enforcement action for any violations discovered.

Parameter Monitors

There are no Parameter Monitors required for the Brick Kiln.

D. Brick Dryer

The Brick Dryer was manufactured by Miller in 1961. The green brick process rate input to the dryer is 6,771 lb/hr and dried brick output rate is 5,833 lb/hr.

Streamlining

1. Opacity
 - a. MEDEP Chapter 101, Section 2(B)(3)(d) contains an applicable opacity standard.
 - b. A previous BACT analysis established an applicable opacity limit which is now considered BPT.

MBC accepts streamlining for the Brick Dryer opacity limit. The BPT limit is the most stringent and is therefore the only opacity limit included in this license.

Periodic Monitoring

Periodic monitoring shall consist of record keeping which includes brick throughput.

Based on raw material moisture content and operating in a manner consistent with good air control practices, it is unlikely that the Brick Dryer will exceed the limits for opacity and VOC. Therefore, periodic monitoring by the source for these pollutants is not required. However, neither the EPA nor the State is precluded from requesting MBC to perform testing and may take enforcement action for any violations discovered.

Parameter Monitors

There are no Parameter Monitors required for the Brick Dryer.

E. Fugitive Emissions

Fugitive particulate matter emission sources at Morin Brick Company include material stockpiles, paved and unpaved surfaces.

Periodic Monitoring

Based on best management practices and wetting roads and storage piles with water when appropriate, it is unlikely the fugitive emission sources will exceed the opacity limits. Therefore, periodic monitoring for opacity in the form of

visible emission is not required. However, neither the EPA nor the State is precluded from performing its own testing and may take enforcement action for any violations discovered.

F. Miscellaneous Emission Units

Small miscellaneous emission units include grinding and crushing operations for the raw materials and a primary crusher used to processing the raw materials.

Periodic Monitoring

The primary crusher and the grinding and crushing operations are used for processing the raw material including clay. Based on the high moisture content of the clay, visible emissions are not expected from these processes.

Periodic monitoring is not required due to the material's inherent ability to comply with the opacity standards.

G. MACT Applicability

On May 16, 2003, EPA promulgated National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing (40 CFR Part 63, Subpart JJJJ). This rule requires affected major sources of Hazardous Air Pollutants (HAPs) to comply with applicable emission standards. MBC is considered to be in the Brick and Structural Clay Products Manufacturing source category and is a major source of HAPs.

However, Section 63.8390(d) of the final rules exempts from the requirements of Subpart JJJJ existing tunnel kilns with a federally enforceable permit condition that restricts kiln operation to less than 10 tons/hr of fired product on a 12-month rolling average basis. MBC is subject to a condition which restricts kiln operations to less than 10 ton/hr of fired product which is more stringent than the standard. Therefore, MBC is not subject to Subpart JJJJ.

H. Facility Emissions

Total Licensed Annual Emissions for the Facility
Tons/year
(used to calculate the annual license fee)

	PM	PM₁₀	SO₂	NO_x	CO	VOC	HF
Brick Kiln	12.0	12.0	8.4	4.4	15.1	0.3	18.6
Brick Dryer	--	--	--	--	--	4.6	--
Total TPY	12.0	12.0	8.4	4.4	15.1	4.9	18.6

III. AIR QUALITY ANALYSIS

According to Chapter 140 of the Department's regulations, an existing Part 70 source shall be exempt from an impact analysis with respect to a regulated pollutant whose allowable emissions do not exceed the following:

<u>Pollutant</u>	<u>Tons/year</u>
PM	25
PM ₁₀	25
SO ₂	50
NO _x	100
CO	250

Based on facility license allowed emissions, MBC is below the emissions level required for modeling and monitoring.

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that emissions from this sources:

- will receive Best Practical Treatment;
- will not violate applicable emissions standards
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants the Part 70 License A119-70-E-R pursuant to MEDEP Chapter 140 and the preconstruction permitting requirements of MEDEP Chapter 115 and subject to the standard and special conditions below.

All federally enforceable and State-only enforceable conditions in existing air licenses previously issued to MBC pursuant to the Department's preconstruction permitting requirements in Chapters 108 or 115 have been incorporated into this Part 70 license, except for such conditions that MEDEP has determined are obsolete, extraneous or otherwise environmentally insignificant, as explained in the findings of fact accompanying this permit.

Federally enforceable conditions in this Part 70 license must be changed pursuant to the applicable requirements in Chapter 115 for making such changes and pursuant to the applicable requirements in Chapter 140.

For each standard and special condition which is state enforceable only, state-only enforceability is designated with the following statement: **Enforceable by State-only.**

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

STANDARD STATEMENTS

- (1) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both; [MEDEP Chapter 140]
- (2) The Part 70 license does not convey any property rights of any sort, or any exclusive privilege; [MEDEP Chapter 140]
- (3) All terms and conditions are enforceable by EPA and citizens under the CAA unless specifically designated as state enforceable. [MEDEP Chapter 140]
- (4) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license; [MEDEP Chapter 140]
- (5) Notwithstanding any other provision in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [MEDEP Chapter 140]
- (6) Compliance with the conditions of this Part 70 license shall be deemed compliance with any Applicable requirement as of the date of license issuance and is deemed a permit shield, provided that:
 - A. Such Applicable and state requirements are included and are specifically identified in the Part 70 license, except where the Part 70 license term or condition is specifically identified as not having a permit shield; or
 - B. The Department, in acting on the Part 70 license application or revision, determines in writing that other requirements specifically identified are not

applicable to the source, and the Part 70 license includes the determination or a concise summary, thereof.

Nothing in this section or any Part 70 license shall alter or effect the provisions of Section 303 of the CAA (emergency orders), including the authority of EPA under Section 303; the liability of an owner or operator of a source for any violation of Applicable requirements prior to or at the time of permit issuance; or the ability of EPA to obtain information from a source pursuant to Section 114 of the CAA.

The following requirements have been specifically identified as not applicable based upon information submitted by the licensee in an application dated March 12, 2004.

	SOURCE	CITATION	DESCRIPTION	BASIS FOR DETERMINATION
A	primary crusher	40 CFR Part 60, Subpart OOO	New Source Performance Standards for Non-metallic Minerals Processing	The crusher was installed before and has not been modified since August 31, 1983.
B	Brick Kiln	40 CFR Part 63, Subpart DDDDD	NESHAP for Industrial, Commercial, and Institutional Boilers and Process Heaters	The Brick Kiln is covered by another MACT (Subpart JJJJ) and does not meet the definition of “process heater.”
C	Facility	40 CFR Part 63, Subpart JJJJ	NESHAP for Brick and Structural Clay Products Manufacturing	Has a federally enforceable permit condition restricting the facility to less than 10 ton/hour of fired product.
D	Facility	40 CFR Part 64	Compliance Assurance Monitoring	Facility does not use control equipment to meet emission standards.

[MEDEP Chapter 140]

- (7) The Part 70 license shall be reopened for cause by the Department or EPA, prior to the expiration of the Part 70 license, if:
- A. Additional Applicable requirements under the CAA become applicable to a Part 70 major source with a remaining Part 70 license term of 3 or more years. However, no opening is required if the effective date of the requirement is later than the date on which the Part 70 license is due to expire, unless the original Part 70 license or any of its terms and conditions has been extended pursuant to Chapter 140;

- B. Additional requirements (including excess emissions requirements) become applicable to a Title IV source under the acid rain program. Upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the Part 70 license;
- C. The Department or EPA determines that the Part 70 license contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the Part 70 license; or
- D. The Department or EPA determines that the Part 70 license must be revised or revoked to assure compliance with the Applicable requirements.

The licensee shall furnish to the Department within a reasonable time any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the Part 70 license or to determine compliance with the Part 70 license.

[MEDEP Chapter 140]

- (8) No license revision or amendment shall be required, under any approved economic incentives, marketable licenses, emissions trading and other similar programs or processes for changes that are provided for in the Part 70 license.
[MEDEP Chapter 140]

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions and this license (Title 38 MRSA §347-C);
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 140; [MEDEP Chapter 140]
- (3) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request; [MEDEP Chapter 140]

Enforceable by State-only

- (4) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 MRSA §353.
- (5) The licensee shall maintain and operate all emission units and air pollution control systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions; [MEDEP Chapter 140]
Enforceable by State-only
- (6) The licensee shall retain records of all required monitoring data and support information for a period of at least six (6) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the Part 70 license. The records shall be submitted to the Department upon written request or in accordance with other provisions of this license; [MEDEP Chapter 140]
- (7) The licensee shall comply with all terms and conditions of the air emission license. The submission of notice of intent to reopen for cause by the Department, the filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for the renewal of a Part 70 license or amendment shall not stay any condition of the Part 70 license. [MEDEP Chapter 140]
- (8) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
 - A. perform stack testing under circumstances representative of the facility's normal process and operating conditions:
 - 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions;
 - 2. to demonstrate compliance with the applicable emission standards; or
 - 3. pursuant to any other requirement of this license to perform stack testing.

- B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - C. submit a written report to the Department within thirty (30) days from date of test completion.
[MEDEP Chapter 140]
Enforceable by State-only
- (9) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicates emissions in excess of the applicable standards, then:
- A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
 - C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
[MEDEP Chapter 140]
Enforceable by State-only
- (10) The licensee shall maintain records of all deviations from license requirements. Such deviations shall include, but are not limited to malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emission unit itself that is not consistent with the terms and conditions of the air emission license.
- A. The licensee shall notify the Commissioner within 48 hours of a violation of any emission standard and/or a malfunction or breakdown in any component part that causes a violation of any emission standard, and shall report the probable cause, corrective action, and any excess emissions in the units of the applicable emission limitation;

- B. The licensee shall submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component part causes a violation of any emission standard, together with any exemption requests.

Pursuant to 38 MRSA § 349(9), the Commissioner may exempt from civil penalty an air emission in excess of license limitations if the emission occurs during start-up or shutdown or results exclusively from an unavoidable malfunction entirely beyond the control of the licensee and the licensee has taken all reasonable steps to minimize or prevent any emission and takes corrective action as soon as possible. There may be no exemption if the malfunction is caused, entirely or in part, by poor maintenance, careless operation, poor design or any other reasonably preventable condition or preventable equipment breakdown. The burden of proof is on the licensee seeking the exemption under this subsection.

- C. All other deviations shall be reported to the Department in the facility's semiannual report.

[MEDEP Chapter 140]

- (11) Upon the written request of the Department, the licensee shall establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [MEDEP Chapter 140]
- (12) The licensee shall submit semiannual reports of any required periodic monitoring. All instances of deviations from Part 70 license requirements must be clearly identified in such reports. All required reports must be certified by a responsible official. [MEDEP Chapter 140]
- (13) The licensee shall submit a compliance certification to the Department and EPA at least annually, or more frequently if specified in the applicable requirement or by the Department. The compliance certification shall include the following:
- (a) The identification of each term or condition of the Part 70 license that is the basis of the certification;
 - (b) The compliance status;
 - (c) Whether compliance was continuous or intermittent;
 - (d) The method(s) used for determining the compliance status of the source, currently and over the reporting period; and

- (e) Such other facts as the Department may require to determine the compliance status of the source;
[MEDEP Chapter 140]

SPECIAL CONDITIONS

(14) Brick Kiln

- A. MBC is licensed to fire natural gas in the Brick Kiln.
[A-119-70-C-M (7/3/01) BACT]
- B. MBC shall not exceed an annual natural gas fuel use cap of 108 MM scf/year (12 month rolling total) demonstrated by purchase records from the supplier.
[A-119-70-C-M (7/3/01) BACT]
- C. Emissions from the brick kiln shall not exceed the following limits:

Pollutant	lb/hr	Origin and Authority	Enforceability
PM	2.78	A-119-70-C-M (7/3/01) BACT	Federally Enforceable
PM ₁₀	2.78	A-119-70-C-M (7/3/01) BACT	Federally Enforceable
SO ₂	1.94	A-119-70-C-M (7/3/01) BACT	Federally Enforceable
NO _x	1.02	A-119-70-C-M (7/3/01) BACT	Federally Enforceable
CO	3.48	A-119-70-C-M (7/3/01) BACT	Federally Enforceable
VOC	0.07	A-119-70-C-M (7/3/01) BACT	Federally Enforceable
HF	4.24	A-119-70-C-M (7/3/01) BACT	Federally Enforceable

- D. MBC shall operate the brick kiln such that the visible emissions from the kiln do not exceed an opacity of 20 percent on a six (6) minute block average basis, for more than one (1) six (6) minute block average in a 1-hour period.
[A-119-70-C-M (7/3/01) BACT]
- E. When requested by the Department, MBC shall conduct visible emission testing on the brick kiln in accordance with 40 CFR Part 60, Appendix A, Method 9 or other method approved by the Department.
[MEDEP A-119-70-C-M (7/3/01) BACT]
- F. Morin Brick Company shall maintain monthly records of brick additives (including manganese dioxide and synthetic iron oxide) indicating amounts of additive purchased and weight percent HAP. [A-119-70-C-M (7/3/01) BACT]

(15) Throughput Limits

- A. MBC shall not exceed an annual (12-month rolling total) brick production limit of 25,093 tons per year. [A-119-70-A-I (9/16/99) BPT]

- B. MBC shall not exceed a brick production limit of 10 tons per hour. [MEDEP Chapter 140, BPT]
- C. MBC shall maintain records of monthly brick throughput and monthly hours of production. [MEDEP Chapter 140, BPT]

(16) Brick Dryer

MBC shall operate the Brick Dryer such that the visible emissions from the dryer do not exceed an opacity of 10% on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 1-hour period. [A-119-70-A-I (9/16/99) BPT]

(17) Lubricant Use

- A. MBC shall not exceed the use of 1,300 gallons per year of distillate fuel oil or specification waste oil utilized as a lubricant during the extrusion of the brick column through the dies. Only oil meeting the criteria “specification” waste oil may be used. [A-119-70-C-M (7/3/01) BACT]
- B. Morin Brick Company shall maintain monthly records of gallons of distillate fuel oil or specification waste oil used as a lubricant demonstrated by purchase receipts for the supplier. [A-119-70-C-M (7/3/01) BACT]
- C. The sulfur content of the distillate fuel or specification waste oil used as a lubricant shall not exceed 0.7% by weight. [A-119-70-C-M (7/3/01) BACT]

(18) Fugitive Emissions

- A. Potential sources of fugitive PM emissions including material stockpiles, paved, and unpaved roadways shall be controlled by wetting with water, with calcium chloride, or other methods as approved by the Bureau of Air Quality, as appropriate, to prevent visible emissions in excess of 10% opacity on a three (3) minute block average basis. [A-119-70-A-I (9/16/99) BPT]]
- B. When visible emissions from the clay pile exceed 10 percent opacity, MBC shall wet the clay storage pile as appropriate to reduce fugitive particulate matter emissions. [A-119-70-A-I (9/16/99) BPT]

(19) Semiannual Reporting

The licensee shall submit semiannual reports every six months to the Bureau of Air Quality. The semiannual reports are due on July 31st and Jan 31st of each year. The semiannual report shall be considered on-time if the postmark of the submittal is before the due date or if the report is received by the DEP within seven calendar days of the due date.

- A. Each semiannual report shall include a summary of the periodic monitoring required by this license.
- B. All instances of deviations from license requirements and the corrective action taken must be clearly identified and provided to the Department in summary form for each six-month interval.

[MEDEP Chapter 140]

(20) Annual Compliance Certification

MBC shall submit an annual compliance certification to the Department in accordance with Standard Condition (13) of this license. The annual compliance certification is due January 31 of each year.

The annual compliance certification shall be considered on-time if the postmark of the submittal is before the due date or if the report is received by the DEP within seven calendar days of the due date. Certification of compliance is to be based on the stack testing or monitoring data required by this license. Where the license does not require such data, or the license requires such data upon request of the Department and the Department has not requested the testing or monitoring, compliance may be certified based upon other reasonably available information such as the design of the equipment or applicable emission factors.

[MEDEP Chapter 140]

(21) Air Toxics Emissions Statement

If MBC exceeds the thresholds for HAPs listed in Appendix A of MEDEP Chapter 137 in an inventory year, in accordance with MEDEP Chapter 137 the licensee shall report, no later than July 1 every three years (2005, 2008, 2011, etc.) or as otherwise stated in MEDEP Chapter 137, the information necessary to accurately update the State's toxic air pollutants emission inventory by means of a computer program supplied by the Department or a written emission statement containing the information required in MEDEP Chapter 137.

Reports and questions should be directed to:

Attn: Toxics Emission Inventory Coordinator
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

Phone: (207) 287-2437

[MEDEP Chapter 137]

(22) General Applicable State Regulations

The licensee is subject to the State regulations listed below.

<u>Origin and Authority</u>	<u>Requirement Summary</u>	<u>Enforceability</u>
Chapter 102	Open Burning	-
Chapter 109	Emergency Episode Regulation	-
Chapter 110	Ambient Air Quality Standard	-
Chapter 116	Prohibited Dispersion Techniques	-
38 M.R.S.A. §585-B, sub-§5	Mercury Emission Limit	Enforceable by State-only

(23) Units Containing Ozone Depleting Substances

When repairing or disposing of units containing ozone depleting substances, the licensee shall comply with the standards for recycling and emission reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioning units in Subpart B. An example of such units include refrigerators and any size air conditioner that contain CFCs.

[40 CFR, Part 82, Subpart F]

(24) Asbestos Abatement

When undertaking Asbestos abatement activities, MBC shall comply with the Standard for Asbestos Demolition and Renovation 40 CFR Part 61, Subpart M.

(25) Certification by a Responsible Official

All reports (including reports of license deviations, semiannual reports, and annual compliance certifications) required by this license to be submitted to the

Bureau of Air Quality must be signed by a responsible official.
[MEDEP Chapter 140]

(26) Annual Fee

MBC shall pay the annual air emission license fee within 30 days of November 30th of each year. Pursuant to Title 38-353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for revocation of the license under section 341-D, subsection 3.

(27) Expiration of a Part 70 license

MBC shall submit a complete Part 70 renewal application at least 6 months prior, but no more than 18-months prior, to the expiration of this air license. Pursuant to Title 5 MRSA §10002, all terms and conditions of the Part 70 license shall remain in effect until the Department takes final action on the renewal of the Part 70 license.

(28) New Source Review

MBC is subject to all previous New Source Review (NSR) requirements summarized in this Part 70 air emissions license and remain in effect even if this Chapter 140 Air Emissions License, A-119-70-E-R, expires.

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2007.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAVID P. LITTELL, COMMISSIONER

The term of this license shall be five (5) years from the signature date above.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 3/15/04

Date of application acceptance: 3/18/04

Date filed with the Board of Environmental Protection: _____

This Order prepared by Lynn Ross, Bureau of Air Quality.